

MEMORANDUM

July 31, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REVISION OF PROPOSED TEXT AMENDMENT:
HEIGHT, FAR, AND REAR YARD PROVISIONS
FOR BACK BAY

3975

In connection with an amendment proposed by the Neighborhood Association of the Back Bay which would have changed the H-5-70 district to an H-3-65 district and the B-4-70 district to a B-3-65, the staff proposed, and the Authority approved, a recommendation that the floor area ratio in each case be 4.0 rather than 3.0. The staff recommendation was based on an analysis that took as a basic premise that front and rear yards were 20 feet each, which are yard depths required by the Zoning Code in the present H-5-70 district. Representatives of the Neighborhood Association subsequently pointed out that the typical rear yard in the Back Bay is considerably more than 20 feet, reducing the building depth and increasing the allowable height of buildings within a given floor area ratio allowance. The staff has confirmed that the typical rear yard is one-quarter of the lot depth in the residential district and for residential buildings on Newbury Street, and that with the reduced building depth, a height of 65 feet approximates a floor area ratio of 3, assuming that the average floor to floor distance is 12 feet. (See attached diagrams.) The Association now proposes a modified amendment which, in addition to proposing a height limit of 65 feet and a floor area ratio of 3.0, would require rear yards to be one-quarter of the depth of the lot in the H-3-65 district.

The Authority previously voted to approve the 65 foot height limit, but with no changes in yard requirements and a floor area ratio of 4.0. I recommend that the Authority reaffirm its vote of June 5 and request that further review of rear yard requirements be undertaken and that when additional documentation is presented the Authority will evaluate the material and further advise the Zoning Commission.

VOTED: That in connection with Text Amendment Application No. 75 and Map Amendment application No. 206, by Judy Porteus and Kathleen Mullen for the Neighborhood Association of the Back Bay, as revised on July 14, 1980, the Boston Redevelopment Authority hereby reaffirms its vote of June 5, 1980, and will further advise the Zoning Commission after it has undertaken further review and evaluation of the proposed change in Floor Area Ratio and rear yard requirements.

VOTE of June 5, 1980 (for informational purposes):

VOTED: That in connection with Text Amendment Application Nos. 71 and 75 and Map Amendment Application Nos. 203 and 206, by Judith Porteus and Kathleen Mullen for the Neighborhood Association of the Back Bay, the Boston Redevelopment Authority recommends that the H-5-70 district be changed to an H-4-65 district and the B-4-70 district be changed to a B-4-65 district; that Table B of Section 13-1 be amended to reflect these changes; and that the change to Section 16-3, which makes the new districts ineligible for certain exceptions to the height limits be adopted.

However, the Authority recommends that the proposed Section 16-7, limiting additional height of pre-Code structures not be adopted, and that the proposed footnote #9, which refers to Section 16-7, and the existing footnote 9, which contains the 70/90 foot height provision, both be eliminated from the maximum height and setback of parapet columns. In the setback of parapet column, this deletion should be replaced by "H + L' ~~÷~~ 6 for all uses", which is the setback of parapet formula for other H districts and for B-1, B-2 and B-4 districts.

The Authority finds that these changes are more compatible with the height and scale of buildings in the Back Bay than the present H-5-70 and B-4-70 districts are, but that the proposed limit on additional stories is better left to the discretion of the Back Bay Architectural Commission.

Text Amendment Application No. 75
 Neighborhood Association of the
 Back Bay: Change H-5-70 district
 to H-3-65 and B-4-70 district
 to B-3-65; exclude new districts
 from provisions of Section 16-3;
 limit additions to pre-Code
 structures in new districts.

TO THE ZONING COMMISSION
 OF THE CITY OF BOSTON:

The undersigned as owner(s) of the property at 337 Marlborough St. and 287 Newbury St., Boston, hereby petition(s) for a change in the text of the Boston Zoning Code as established by Chapter 665 of the Acts of 1956, as amended, as follows:

1. By striking out the district designation "H-5-70" and "B-4-70" as one or both appear in Section 3-1; in footnotes to Use Item Numbers 10, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 21, 22, 24, 29, 30, 37, 38, 39, 39A, 58, 77 and 79 in Table A of Section 8-7; in Sections 17-1, 11-2(e), 19-6(b) and 19-6(c); and wherever else these designations may appear in the Boston Zoning Code; and inserting in place thereof, in each instance, the following district designations:

H-3-65

and/or

B-3-65

2. By striking out in Table B of Section 13-1 the lines starting with H-5-70 and B-4-70, and inserting in proper order, under the following headings:

DISTRICT	TYPE OF USE	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l. dwelling unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (1)	HEIGHT OF BUILDINGS maximum stories feet	USABLE OPEN SPACE minimum sq. ft. per dwelling unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD minimum depth occup. by accessory buildings
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the following lines:

H-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	65(9) 65(9)	50 none	(10) (10)	(4) (4)	25% of lot depth all uses	$\frac{H + L}{5}$ (9) for all uses	40 40
B-3-65	Any dwelling Other use	none none	none none	none none	3.0 3.0	- -	65(9) 65(9)	50 none	(10) (10)	(3) none(5)	(3) 10 + 20(7)	$\frac{H + L}{5}$ (9) for all uses	- -

3. By striking out footnote 9 of said Table B and inserting in place thereof the following footnote:

9. See Section 16-7 for regulations for pre-Code structures.

4. By inserting in the first sentence of Section 16-3, respecting height exceptions adjoining nonconforming structures, following the word "Wherever" the following phrase:

, other than in an H-3-65 or B-3-65 district,

5. By inserting after Section 16-6 the following section:

SECTION 16-7. Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts. In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one foot for each foot in height above said tops of front and rear walls.

6. By inserting in Section 20-4, after the words "in an H district," the following words:

other than an H-3-65 district,

Petitioner: William Miller

Petitioner: John J. White

on behalf of the Neighborhood Association
By: of the Back Bay

Address: 287 Newbury Street

Address: 337 Marlborough Street

Boston, Mass. 02115

Boston, Mass. 02115

Tel. No. 266-2684

Tel. No.: 262-5073

Date: July 14, 1980

Date: July 14, 1980

(From Section 5-4 of Boston Zoning Code as authorized by Chapter 665 of the Acts of 1956 and as amended May 27, 1970)

"The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as one hundred dollars".

Map Amendment Application No. 206
Judith Porteus for
Neighborhood Association of the Back Bay
Map new H-3-65 and B-3-65 districts

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

337 Marlborough St.

The undersigned as owner(s) of the property at 287 Newbury St.
hereby petition(s) for a change in the boundary lines of the
zoning districts of the City of Boston as established by Chapter 665 of the Acts
of 1956, as amended, which would affect said property as follows:

1. By changing all land in the Back Bay section of Boston that
is now in an H-6-70 district to an H-3-65 district.
2. By changing all land in the Back Bay section of Boston that
is now in a B-4-70 district to a B-3-65 district.

Kathleen Mullen

287 Newbury

266-2684

5/18/80

Petitioner: Judith Porteus

By: on behalf of the
Newburyland Assoc. of Back Bay

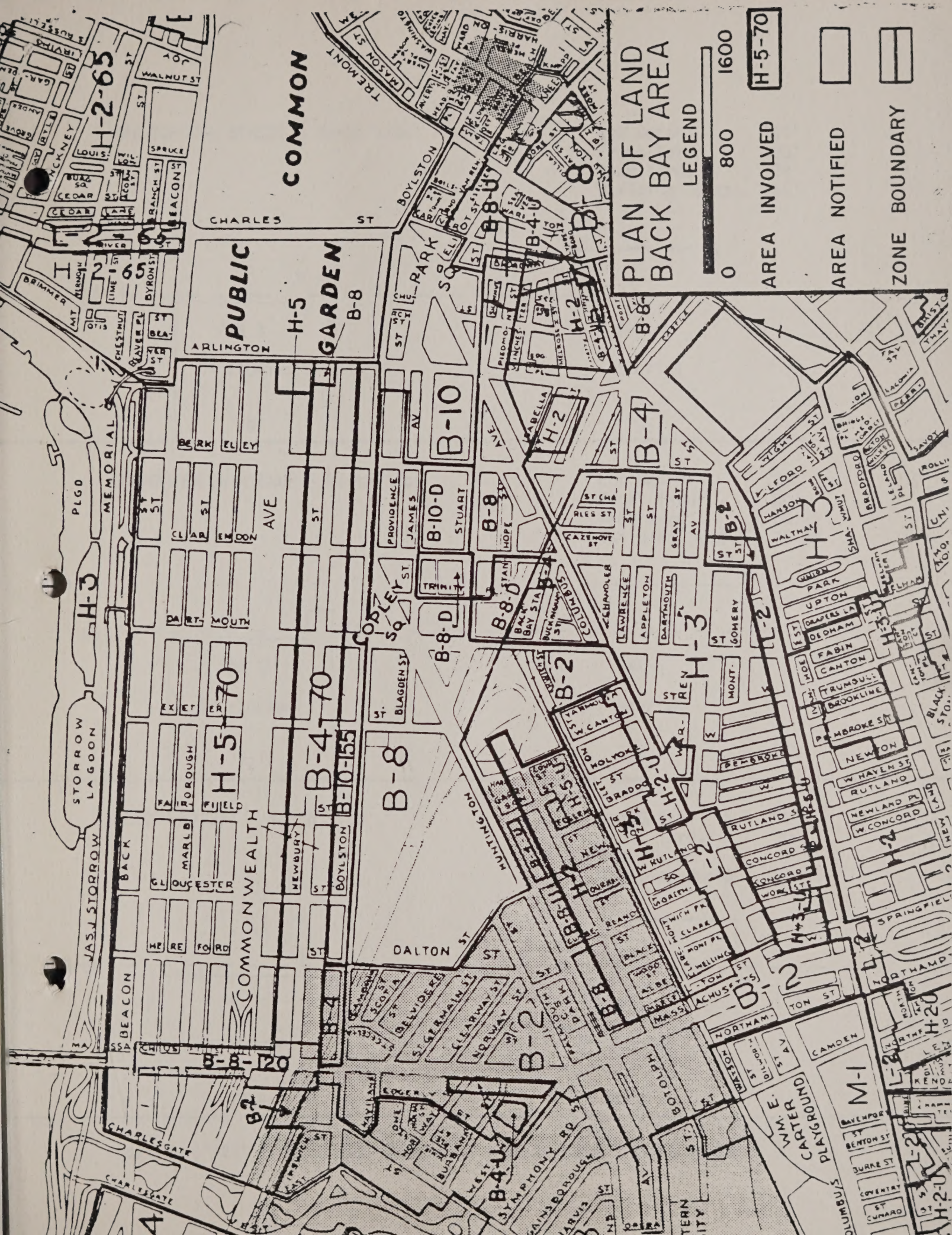
Address: 337 Marlborough St.
Boston, Mass. 02115

Tel. No.: 262-5073

Date: May 19, 1980

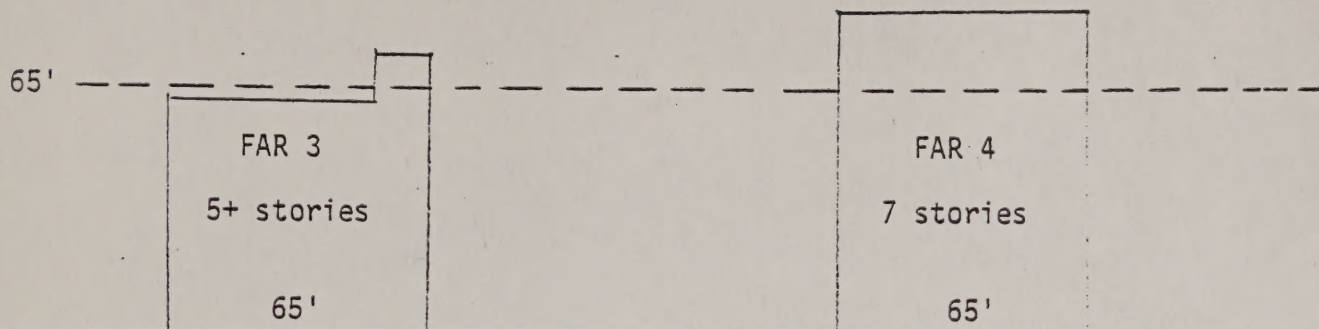
(From Section 5-4 of Boston Zoning Code as authorized by Chapter 665 of the Acts
of 1956 and as amended May 27, 1970)

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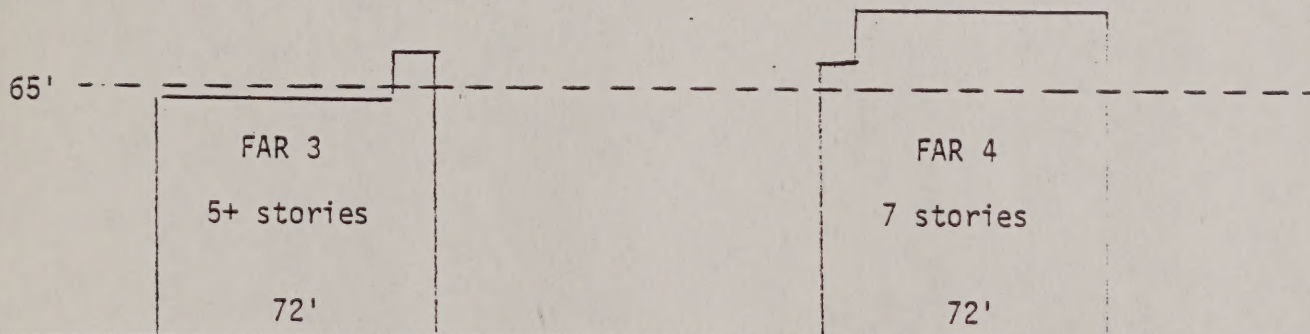
MARLBOROUGH STREET - North Side

Lot Depth: 113'
Front Yard: 20'
Rear Yard: 28'
Building Depth: 65'



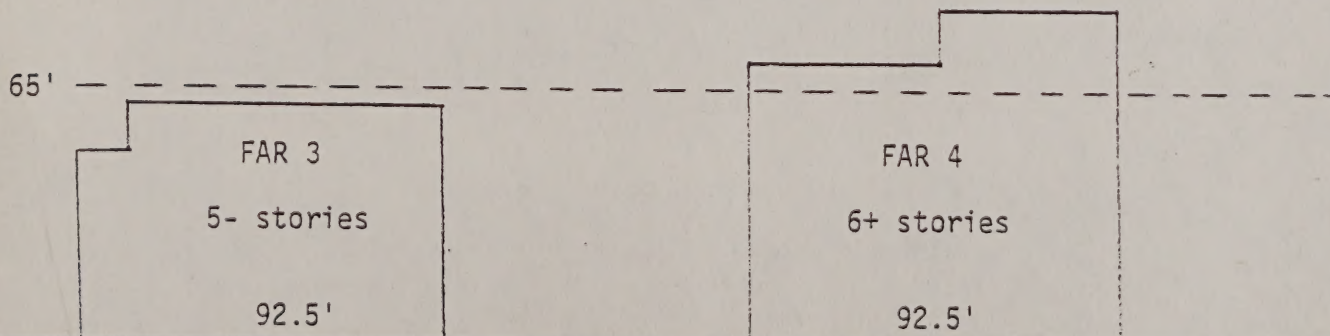
COMMONWEALTH AVENUE - North Side

Lot Depth: 123'
Front Yard: 20'
Rear Yard: 30.75'
Building Depth: 72.25'



BEACON STREET - North Side

Lot Depth: 150'
Front Yard: 20'
Rear Yard: 37.5'
Building Depth: 92.5'



Scale: 1"=50'

Diagrams assume average story height is 12'.